

Docket No.: 050432-0608



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Minh Van NGO , et al. : Confirmation Number: 3802
Application No.: 10/777,138 : Group Art Unit: 2812
Filed: February 13, 2004 : Examiner: Chandra P. Chaudhari
For: SEMICONDUCTOR DEVICE WITH METAL GATE AND HIGH K TANTALUM OXIDE OR
TANTALUM OXYNITRIDE GATE DIELECTRIC

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT/
(Notice to File Correct Application Papers – Filed 3/3/05)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed September 30, 2005, Applicants submit herewith a Revised Response to Notice to file Corrected Application Papers correcting the “Drawings” (identifying the “Drawings” as “Replacement Sheet(s)”), appearing in the Response filed on March 3, 2005.

Entry of the Response and favorable consideration is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS/lrd
Facsimile: 202.756.8087
Date: October 26, 2005

**Please recognize our Customer No. 20277 as
our correspondence address.**



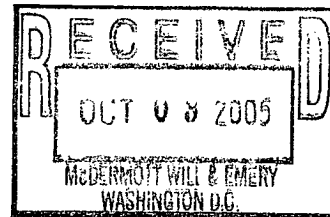
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,138	02/13/2004	Minh Van Ngo	.50432-608	3802
7590 09/30/2005 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER CHAUDHARI, CHANDRA P	
			ART UNIT 2891	PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



OCT 26 2005
RECEIVED
OFFICE

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10777138

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 3/3/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☒ 3. Amendments to the drawings:

- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Peggy Yarbrough
Legal Instruments Examiner (LIE)

571-272-859

Telephone No.



Docket No.: 50432-608

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Minh Van NGO , et al.	:	Confirmation Number: 3802
Application No.: 10/777,138	:	Group Art Unit: 2812
Filed: February 13, 2004	:	Examiner: Not yet assigned

For: SEMICONDUCTOR DEVICE WITH METAL GATE AND HIGH K TANTALUM OXIDE OR
TANTALUM OXYNITRIDE GATE DIELECTRIC

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice to File Corrected Application Papers mailed January 7, 2005.

In response to this Notice, submitted herewith are 9 sheets of substitute drawings in compliance with CFR 1.84. If anything further is needed, please contact the undersigned immediately.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

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